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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/828,406

04/19/2004

Allen Affolter

21037.24269

4527

26781

7590

10/18/2006

BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
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AKRON, OH 44311

EXAMINER

LA, ANH V

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,406

Applicant(s)

AFFOLTER ET AL.

Examiner

Anh V. La

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 19 and 21 is/are allowed.
- 6) ☒ Claim(s) 9-18, 20, 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 9-11, 15-18, and 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Amron (US 2001/0040560).

Regarding claim 9, Amron discloses a self-contained electronic graphical information displaying apparatus comprising a thin electronic image display device 12 fixedly attachable to an associated device 14, an electronic control circuitry (figure 3), wherein a first power cell, the image display device and the circuitry are contained within one housing and wherein the apparatus is selectively removable when attached to the associated device (see figures 1-7).

Regarding claim 10, Amron discloses electronic information storage means 101 being selectively removable with respect to the circuitry (paragraph 47).

Regarding claim 11, Amron discloses user interface means (fig. 1-7).

Regarding claim 15, Amron discloses a method of displaying electronic graphical information comprising a thin self-contained electronic image display device 12, preprogramming the image display device with at least a first preprogrammed electronic graphical information message, affixing the display device to the at least a first

associated page, and displaying the information message on the display device (fig. 1-7).

Regarding claim 16, Amron discloses automatically displaying the information message on the display device (fig. 1-7).

Regarding claim 17, Amron discloses selectively removing the display device from the associated magazine, such that the display device still capable of displaying the electronic graphical information (fig. 1-7).

Regarding claim 18, Amron discloses a thin self-contained electronic image display device, a user interface means, and automatically displaying the information message on the display device responsive to the input from the interface means (fig. 1-7).

Regarding claim 22, Amron discloses at lest one sensor 22, 54.

Regarding claim 23, Amron discloses means to display an electronic graphical image or emit a sound dependent upon the proximity of the person.

Regarding claim 24, Amron discloses the display device being still capable of displaying the electronic graphical information when removed (fig. 1-7).

Regarding claim 25, Amron discloses a method of displaying electronic graphical information comprising a thin self-contained electronic image display device 12, preprogramming the image display device with at least a first preprogrammed electronic graphical information message, affixing the display device to an associated device 14, and displaying the information message on the display device wherein the display

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device is contained within one housing 12 and the housing is selectively removable when attached to the associated device (fig. 1-7).

Regarding claim 26, Amron discloses the display device being still capable of displaying the electronic graphical information when removed (fig. 1-7).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amron in view of McTaggart (6,021,306).

Regarding claim 12, Amron discloses all the claimed subject matter as set forth above in the rejection of claim 11, but does not disclose sensor means. McTaggart teaches the use of sensor means 127, 129. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include sensor means to the apparatus of Amron as taught by McTaggart for the purpose of determining the proximity of at least a first flexible page with a second flexible page.

Regarding claim 13, Amron discloses audio transmitting means 26.

Regarding claim 14, Amron discloses the control circuitry being programmed to, at predetermined intervals, transmit audio signals or video image (fig. 1-7).

Regarding claim 20, Amron discloses the magazine having a binding (fig. 1-7).

5. Claims 1-8, 19 and 21 are allowed.

Answers to Remarks

6. Applicant's arguments filed on July 24, 2006 have been fully considered.

Applicant's arguments with respect to claims 9-18, 20, and 22-26 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2612

AI
October 15, 2006